

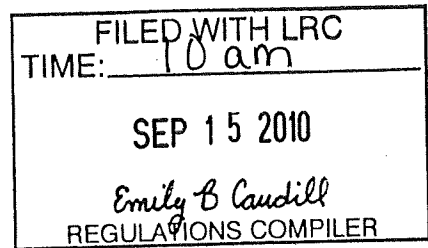
301 KAR 2:082

Transportation and holding of live exotic wildlife

This administrative regulation establishes restrictions on the possession and transportation of exotic wildlife.

Significant Changes

This amendment will allow state and county fairs and lawfully operated circuses to import inherently dangerous exotic species and provides for an exemption system allowing contact with the public if operators receive approval from the local or municipal government. In particular, this amendment will allow such things as elephant rides by state and county fair attendees. The amendment will also dictate permit issuance procedures.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:082. Transportation and holding of live exotic wildlife.

5 RELATES TO: KRS 150.010, 150.015, 150.305, 150.320, ~~[150.330,]~~ 150.990

6 STATUTORY AUTHORITY: KRS, 150.025, 150.180(6), ~~[150.180,]~~ 150.280

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to
8 regulate the buying, selling, or transporting of wildlife. KRS 150.180(6) authorizes the
9 department to regulate the importation of wildlife into Kentucky. ~~[150.180 requires a person~~
10 ~~transporting live wildlife into Kentucky to obtain a permit from the department.]~~ KRS 150.280
11 authorizes the department to promulgate administrative regulations establishing procedures for
12 the holding of protected wildlife. This administrative regulation establishes the procedure for
13 obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of
14 exotic species with the potential to damage native ecosystems, and places restrictions on
15 importing, transporting, and holding species that are potentially dangerous to human health and
16 safety. ~~[EO-2008-516, effective June 16, 2008, reorganizes and renames the Commerce Cabinet~~
17 ~~as the Tourism, Arts, and Heritage Cabinet.]~~

18 Section 1. Definitions. ~~[(1)]~~ "Exotic wildlife" means terrestrial wildlife species which have never
19 naturally existed in the wild in Kentucky including introduced species that have become
20 naturalized.

21 Section 2. Permits and Certificates of Veterinary Inspection. (1) Pursuant to 301 KAR 2:081, a

1 person shall apply for and obtain a valid transportation permit or permit authorization number
2 from the department prior to:

3 (a) Importing exotic wildlife into Kentucky; or

4 (b) Transporting exotic wildlife into and through the state to a destination outside Kentucky;

5 (2) A copy of a valid transportation permit or permit authorization number shall accompany all
6 shipments of wildlife into and through Kentucky.

7 (3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

8 (4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year
9 from the date of issue.

10 (5) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by a
11 certificate of veterinary inspection stating that the wildlife is free from symptoms of disease. A
12 federal quarantine certificate may be substituted for the certificate of veterinary inspection.

13 Section 3. Applying for Permits. (1) A person shall apply for a transportation permit on a form
14 supplied by the department.

15 (2) The department shall deny a permit to an applicant that:

16 (a) Is less than eighteen (18) years of age;

17 (b) Has been convicted within the last year of a violation of:

18 1. This administrative regulation; or

19 2. 301 KAR 2:081.

20 (c) Does not submit a completed application; or

21 (d) Does not remit the correct fee pursuant to 301 KAR 3:022.

22 (3) Failure to provide accurate, factual, and complete information on the application form shall
23 result in:

1 (a) Immediate withdrawal or revocation of the permit; and

2 (b) Confiscation of the wildlife imported under the permit.

3 (4) An annual transportation permit holder shall notify the department of any amendments to the
4 original application at least forty-eight (48) hours prior to any wildlife shipment by calling the
5 department by telephone at 800-858-1549, Monday through Friday between 8 a.m. and 4:30 p.m.

6 (5) A person importing and possessing exotic wildlife shall be responsible for following local
7 ordinances and rules regarding the wildlife to be held in a locality.

8 Section 4. Prohibited Species. (1) Except as specified in Section 5 of this administrative
9 regulation, a person shall not import, possess, or transport through Kentucky the following
10 species that are considered potentially injurious to native ecosystems:

11 (a) Baya weaver (Ploceus philippinus);

12 (b) Blackbirds (Genus Agelaius), except native species;

13 (c) Cape sparrow (Passer melanurus);

14 (d) Cowbirds (Genus Molothrus), except native species;

15 (e) Cuckoo (Family Cuculidae), except native species;

16 (f) Dioch or red-billed quelea (Quelea quelea);

17 (g) European blackbird (Turdus merula);

18 (h) Fieldfare (Turdus pilaris);

19 (i) Flying fox or fruit bat (Genus Pteropus);

20 (j) Gambian giant pouched rat (Cricetomys gambianus);

21 (k) Giant, marine, or cane toad (Bufo marinus);

22 (l) Hawaiian rice bird or spotted munia (Lonchura punctulata);

23 (m) Jack rabbit (Genus Lepus);

- 1 (n) Java sparrow (*Padda oryzivora*);
- 2 (o) Madagascar weaver (*Foudia madagascariensis*);
- 3 (p) Mistle thrush (*Turdus viscivorus*);
- 4 (q) Monk or Quaker parakeet (*Myiopsitta monachus*);
- 5 (r) Multimammate rat (Genus *Mastomys*);
- 6 (s) Mute swan (*Cygnus olor*);
- 7 (t) Nutria (*Myocastor coypus*);
- 8 (u) Prairie dog (*Cynomys* spp.);
- 9 (v) Raccoon dog (*Nyctereutes procyonoides*);
- 10 (w) San Juan rabbit (*Oryctolagus cuniculus*);
- 11 (x) Sky lark (*Alauda arvensis*);
- 12 (y) Song thrush (*Turdus philomelus*);
- 13 (z) Starlings (Family *Sturnidae*) including pink starlings or rosy pastors (*Sturnus roseus*), except
- 14 for Indian Hill mynahs (*Gracula religiosa*);
- 15 (aa) Suricate or slender-tailed meerkat (Genus *Suricata*);
- 16 (bb) Tongueless or African clawed frog (*Xenopus laevis*);
- 17 (cc) Weaver finches (Genus *Passer*), except *Passer domesticus*;
- 18 (dd) White eyes (Genus *Zosterops*);
- 19 (ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically
- 20 from native wild rabbits;
- 21 (ff) Yellowhammer (*Emberiza citrinella*);
- 22 (gg) A member of the following families:
- 23 1. *Suidae* (pigs or hogs), except for domestic swine, pursuant to 302 KAR 20:040 and 20:065;

- 1 2. Viverridae (civits, genets, lingsangs, mongooses and fossas);
- 2 3. Tayassuidae (peccaries and javelinas).
- 3 (2) Except as specified in Section 5 of this administrative regulation, a person shall not import or
- 4 possess the following species of inherently dangerous wildlife:
- 5 (a) Alligators or caimans (Family Alligatoridae);
- 6 (b) African buffalo (Syncerus caffer);
- 7 (c) Bears (Family Ursidae);
- 8 (d) Cheetah (Acinonyx jubatus);
- 9 (e) Clouded leopard (Neofelis nebulosa);
- 10 (f) Crocodiles (Family Crocodylidae);
- 11 (g) Elephants (Family Elephantidae);
- 12 (h) Gavials (Family Gavialidae);
- 13 (i) Gila monsters or beaded lizards (Family Helodermatidae);
- 14 (j) Hippopotamus (Hippopotamus amphibius);
- 15 (k) Honey badger or ratel (Mellivora capensis);
- 16 (l) Hyenas (Family Hyaenidae), all species except aardwolves (Proteles cristatus);
- 17 (m) Lions, jaguars, leopards or tigers (Genus Panthera);
- 18 (n) Old world badger (Meles meles);
- 19 (o) Primates, nonhuman (Order Primates);
- 20 (p) Rhinoceroses (Family Rhinocerotidae);
- 21 (q) Snow leopard (Uncia uncia);
- 22 (r) Venomous exotic snakes of the families Viperidae, Atractaspididae, Elapidae, and
- 23 Colubridae, except for hognose snakes (Genus Heterodon);

1 (v) Wolverine (*Gulo gulo*); or

2 (w) Hybrids of all species contained in this list.

3 Section 5. Exemptions. (1) A facility that is accredited by the American Zoo and Aquarium
4 Association shall:

5 (a) Not be required to obtain a transportation permit for exotic wildlife; and

6 (b) Be allowed to import, transport, and possess the prohibited exotic species listed in Section
7 4(1) and Section 4(2) of this administrative regulation.

8 (2) Upon written request, the department shall consider an exemption for the importation of
9 prohibited exotic species for the following entities:

10 (a) A facility that is designated as the official zoo of a municipality;

11 (b) A government agency that is conducting official research on a prohibited species;

12 (c) A college or university;

13 (d) A licensed or accredited educational research institution; or

14 (e) A person or organization qualified to have a service animal, as defined by the Americans with
15 Disabilities Act.

16 (3) The following entities may apply for a thirty (30) day exemption to temporarily transport and
17 possess the species listed in Section 4(2) of this administrative regulation:

18 (a) A lawfully operated circus; or

19 (b) An exhibitor sponsored or contracted by a lawfully operated state or county fair.

20 (4) Wildlife possessed or imported into Kentucky per subsections (2), (3), or (5) of this section
21 shall be maintained within an enclosure sufficient to prevent:

22 (a) Escape; and

23 (b) Direct contact with the public, unless the applicant:

1 1. Submits a completed Local Government Authorization of Intent to Exhibit Inherently
2 Dangerous Wildlife form; and

3 2. Keeps the inherently dangerous wildlife within the designated county listed on the form during
4 the allotted time period.

5 (5) A person that does not meet the exemption requirements of subsections (2) or (3) of this
6 section may apply for and obtain a transportation permit to temporarily transport or possess
7 prohibited wildlife listed in Section 4(1) and 4(2) of this administrative regulation provided that
8 the wildlife is only in the state for less than ninety-six (96) hours.

9 (6) A person who legally possessed wildlife listed in Section 4(2) of this administrative
10 regulation prior to July 13, 2005 may continue to possess the animal and shall maintain:

11 (a) Veterinary records;

12 (b) Acquisition papers for the animal; or

13 (c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to
14 July 13, 2005.

15 (7) A person who legally-possesses wildlife pursuant to subsection (6) of this section shall not:

16 (a) Replace the wildlife without an exemption pursuant to subsection (2) and (3) of this section;

17 or

18 (b) Allow the wildlife to reproduce without an exemption pursuant to subsection (2) and (3) of
19 this section.

20 (8) If exotic wildlife listed in Section 4(1) and Section 4(2) of this administrative regulation
21 escapes, the owner shall immediately contact local emergency services and the department at
22 800-252-5378 to report the escape or release.

23 Section 6. Permit-exempt animals. (1) The following exotic animals shall not require permits

- 1 from the department for importation, transportation, or possession:
- 2 (a) Alpaca (*Vicugna pacos*);
- 3 (b) American bison (*Bison bison*);
- 4 (c) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra hircus*);
- 5 (d) Camels (*Camelus bactrianus* and *Camelus dromedarius*);
- 6 (e) Chinchillas (*Chinchilla laniger*);
- 7 (f) Cockatoos (family *Cacatuidae*);
- 8 (g) Domesticated races of ducks and geese (family *Anatidae*) distinguishable morphologically
- 9 from wild ducks or geese;
- 10 (h) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) distinguishable
- 11 morphologically from wild rabbits;
- 12 (i) Domesticated races of mink (*Mustela vison*), if:
- 13 1. Adults are heavier than 1.15 kilograms; or
- 14 2. The fur color can be distinguished from wild mink;
- 15 (j) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);
- 16 (k) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry
- 17 Association and the U.S. Department of Agriculture; but shall not include captive held or bred
- 18 wild turkeys;
- 19 (l) Domestic yak (*Bos grunniens*);
- 20 (m) Gerbils (*Meriones unguiculatus*);
- 21 (n) Guinea fowl (*Numida meleagris*);
- 22 (o) Guinea pigs (*Cavia porcellus*);
- 23 (p) Hamsters (*Mesocricetus* spp.);

1 (q) Indian Hill mynahs (*Gracula religiosa*);

2 (r) Llama (*Lama glama*);

3 (s) Parrots, lovebirds, cockatiels, budgerigars, macaws (family *Psittacidae*), and parakeets, except
4 for monk or quaker parakeets pursuant to Section 4(1) of this administrative regulation;

5 (t) Peafowl (*Pavo cristatus*);

6 (u) Pigeons (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;

7 (v) Ratites, as defined by KRS 247.870; and

8 (w) Toucans (family *Rhamphastidae*).

9 Section 7. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a
10 conservation officer to inspect the holding facilities at any reasonable time.

11 (2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any
12 provision of this administrative regulation.

13 Section 8. Release. With the exception of pheasants and chukars, a person shall not release exotic
14 wildlife into the wild.

15 Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

16 (a) "Annual Transportation Permit Application, September 2010 edition";

17 (b) "Individual Transportation Permit Application, September 2010 edition"; and

18 (c) "Local Government Authorization of Intent to Exhibit Inherently Dangerous Wildlife Form,
19 September 2010 edition."

20 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at
21 the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort,
22 Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

23 ~~[starling (*Sturnus vulgaris*), English or house sparrow (*Passer domesticus*), and Eurasian~~

1 ~~collared dove (*Streptopelia decaocto*).~~

2 ~~(2) "Circus" means a traveling public entertainment show consisting of acrobats, clowns, and~~
3 ~~trained animals.~~

4 ~~(3) "Permit" means an individual or annual transportation permit issued by the department.~~

5 ~~Section 2. Exemptions. Transportation permits and captive wildlife permits shall not be required~~
6 ~~for the importation or possession of exotic wildlife and federally threatened or endangered~~
7 ~~species listed in this administrative regulation by facilities that are accredited by the American~~
8 ~~Zoo and Aquarium Association.~~

9 ~~Section 3. Prohibited Species. (1) Except as specified in Section 2 of this administrative~~
10 ~~regulation and subsection (3) of this section, a person shall not import or transport through~~
11 ~~Kentucky or possess in Kentucky the following:~~

12 ~~(a) Baya weaver (*Ploceus philippinus*);~~

13 ~~(b) Blackbirds (Genus *Agelaius*), except native species;~~

14 ~~(c) Cape sparrow (*Passer melanurus*);~~

15 ~~(d) Cowbirds (Genus *Molothrus*), except native species;~~

16 ~~(e) Cuckoo (Family *Cuculidae*), except native species;~~

17 ~~(f) Dioch or red-billed quelea (*Quelea quelea*);~~

18 ~~(g) European blackbird (*Turdus merula*);~~

19 ~~(h) Fieldfare (*Turdus pilaris*);~~

20 ~~(i) Flying fox or fruit bat (Genus *Pteropus*);~~

21 ~~(j) Gambian giant pouched rat (*Cricetomys gambianus*);~~

22 ~~(k) Giant, marine, or cane toad (*Bufo marinus*);~~

23 ~~(l) Hawaiian rice bird or spotted munia (*Lonchura punctulata*);~~

- 1 ~~(m) Jack rabbit (Genus Lepus);~~
- 2 ~~(n) Java sparrow (Padda oryzivora);~~
- 3 ~~(o) Madagascar weaver (Foudia madagascariensis);~~
- 4 ~~(p) Mistle thrush (Turdus viscivorus);~~
- 5 ~~(q) Monk or Quaker parakeet (Myiopsitta monachus);~~
- 6 ~~(r) Multimammate rat (Subgenus Mastomys);~~
- 7 ~~(s) Mute swan (Cygnus olor);~~
- 8 ~~(t) Nutria (Myocastor coypus);~~
- 9 ~~(u) Prairie dog (Cynomys spp.);~~
- 10 ~~(v) Raccoon dog (Nyctereutes procyonoides);~~
- 11 ~~(w) San Juan rabbit (Oryctolagus cuniculus);~~
- 12 ~~(x) Sky lark (Alauda arvensis);~~
- 13 ~~(y) Song thrush (Turdus philomelus);~~
- 14 ~~(z) Starlings (Family Sturnidae) including pink starlings or rosy pastors (Sturnus roseus), except~~
- 15 ~~for Indian Hill mynahs (Gracula religiosa);~~
- 16 ~~(aa) Suricate or slender tailed meerkat (Genus Suricata);~~
- 17 ~~(bb) Tongueless or African clawed frog (Xenopus laevis);~~
- 18 ~~(cc) Weaver finches (Genus Passer), except Passer domesticus;~~
- 19 ~~(dd) White eyes (Genus Zosterops);~~
- 20 ~~(ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically~~
- 21 ~~from native wild rabbits;~~
- 22 ~~(ff) Yellowhammer (Emberiza citrinella);~~
- 23 ~~(gg) A member of the following families:~~

- 1 ~~1. Suidae (pigs or hogs), except for domestic swine;~~
- 2 ~~2. Viverridae (civits, genets, lingsangs, mongooses and fossas);~~
- 3 ~~3. Tayassuidae (peccaries and javelinas).~~
- 4 ~~(2) Prohibited inherently dangerous wildlife. Except as specified in Section 2 of this~~
- 5 ~~administrative regulation and subsections (3), (5), and (6) of this section, a person shall not~~
- 6 ~~import or possess in Kentucky the following:~~
- 7 ~~(a) Adders or vipers (Family Viperidae and Crotalidae) (except native species);~~
- 8 ~~(b) Alligators or caimans (Family Alligatoridae);~~
- 9 ~~(c) African buffalo (Syncerus caffer);~~
- 10 ~~(d) Bears (Family Ursidae);~~
- 11 ~~(e) Cheetah (Acinonyx jubatus);~~
- 12 ~~(f) Clouded leopard (Neofelis nebulosa);~~
- 13 ~~(g) Cobras mambas or coral snakes (Family Elapidae);~~
- 14 ~~(h) Crocodiles (Family Crocodylidae);~~
- 15 ~~(i) Elephants (Family Elephantidae);~~
- 16 ~~(j) Gavials (Family Gavialidae);~~
- 17 ~~(k) Gila monsters or beaded lizards (Family Helodermatidae);~~
- 18 ~~(l) Hippopotamus (Hippopotamus amphibius);~~
- 19 ~~(m) Honey badger or ratel (Mellivora capensis);~~
- 20 ~~(n) Hyenas (Family Hyaenidae), all species except aardwolves (Proteles cristatus);~~
- 21 ~~(o) Lions, jaguars, leopards or tigers (Genus Panthera);~~
- 22 ~~(p) Old world badger (Meles meles);~~
- 23 ~~(q) Primates nonhuman (Order Primates);~~

- 1 ~~(r) Rhinoceroses (Family Rhinocerotidae);~~
- 2 ~~(s) Sea snakes (Family Hydrophidae);~~
- 3 ~~(t) Snow leopard (Uncia-uncia);~~
- 4 ~~(u) Venomous rear fanged species (Family Colubridae) except hognose snakes (Genus~~
- 5 ~~Heterodon);~~
- 6 ~~(v) Wolverine (Gulo gulo); or~~
- 7 ~~(w) Hybrids of all species contained in this list.~~
- 8 ~~(3) Upon written request, the commissioner may authorize the importation or possession of the~~
- 9 ~~species listed in this section by:~~
- 10 ~~(a) A zoo or facility that is designated as the official zoo of a municipality;~~
- 11 ~~(b) A government agency;~~
- 12 ~~(c) A college or university;~~
- 13 ~~(d) A licensed or accredited educational or research institution;~~
- 14 ~~(e) A lawfully operated circus;~~
- 15 ~~(f) An exhibitor sponsored or contracted by a lawfully operated state or county fair; or~~
- 16 ~~(g) A person or organization requesting exemption for a service animal, as defined by the~~
- 17 ~~Americans with Disabilities Act.~~
- 18 ~~(4) Wildlife possessed or imported into Kentucky per subsections (3) or (5) of this section shall~~
- 19 ~~be maintained within an enclosure sufficient to prevent:~~
- 20 ~~(a) Escape;~~
- 21 ~~(b) Direct contact with the public; and~~
- 22 ~~(c) Bodily injury to the public.~~
- 23 ~~(5) A person may apply for a transportation permit to temporarily transport or possess a~~

~~prohibited animal listed in this section if the animal is within the state for less than ninety-six (96) hours. Transportation permits shall not be issued for consecutive ninety-six (96) hour periods.~~

~~(6) Possession of an inherently dangerous animal prior to the effective date of the amendment to this administrative regulation.~~

~~(a) A person who legally possessed in Kentucky an inherently dangerous animal as defined in subsection (2) of this section prior to July 13, 2005 may continue to possess the animal and shall maintain:~~

~~1. Veterinary records;~~

~~2. Acquisition papers for the animal; or~~

~~3. Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.~~

~~(b) A legally possessed inherently dangerous animal shall not be bred or replaced without an exemption as established in Sections 2 and 3(3) of this administrative regulation.~~

~~(7) If any inherently dangerous animal escapes, either intentionally or unintentionally, the owner of the animal shall immediately contact local emergency services and the department at 800-252-3578 to report the escape or release.~~

~~Section 4. Exotic Wildlife. Unless listed in Section 3(1) of this administrative regulation, or otherwise protected by state or federal law, exotic wildlife shall not:~~

~~(1) Be classified as protected wildlife; and~~

~~(2) Require a permit from the department for possession.~~

~~Section 5. Transportation Permits and Certificate of Veterinary Inspection. (1) Prior to entry into Kentucky, an annual or individual transportation permit as established in 301 KAR 2:081 shall~~

~~be obtained for all shipments of wildlife. A person shall be responsible for applying for a transportation permit before the person:~~

~~(a) Receives a shipment of wildlife;~~

~~(b) Imports wildlife for their own use or possession; or~~

~~(c) Transports wildlife into and through the state to a destination outside Kentucky;~~

~~(2) A copy of a valid transportation permit shall accompany all shipments of wildlife into Kentucky.~~

~~(a) An individual transportation permit shall be valid for one (1) shipment of wildlife and shall also permit possession of the wildlife for the designated time period.~~

~~(b) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue and shall also permit possession of the wildlife for the designated time period.~~

~~(c) An annual transportation permit holder shall:~~

~~1. Notify the department in writing of any changes or additions subsequent to the original application so that an amended permit may be issued prior to subsequent wildlife importation; and~~

~~2. Notify the wildlife division by telephone at 502-564-3400 or 800-858-1549 Monday through Friday between 8 a.m. and 4:30 p.m. at least forty-eight (48) hours prior to each shipment of wildlife of with:~~

~~a. The date of expected shipment;~~

~~b. The source of the shipment;~~

~~c. The species being shipped;~~

~~d. The number of individuals of each species; and~~

~~e. The period of time when the wildlife will be inside the state of Kentucky.~~

~~(3) All shipments of wildlife, except for fish, amphibians, and reptiles, shall be accompanied by a certificate of veterinary inspection stating that the wildlife is free from symptoms of disease. A federal quarantine certificate may be substituted for the certificate of veterinary inspection.~~

~~Section 6. The following animals shall not require permits from the department for importation:~~

~~(1) Alpaca (*Vicugna pacos*);~~

~~(2) American bison (*Bison bison*);~~

~~(3) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra aegagrus*);~~

~~(4) Camels (*Camelus bactrianus* and *Camelus dromedarius*);~~

~~(5) Chinchillas (*Chinchilla laniger*);~~

~~(6) Cockatoos (family *Cacatuidae*);~~

~~(7) Domesticated races of ducks and geese (family *Anatidae*) distinguishable morphologically from wild ducks or geese;~~

~~(8) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) distinguishable morphologically from wild rabbits;~~

~~(9) Domesticated races of mink (*Mustela vison*), if:~~

~~(a) Adults are heavier than 1.15 kilograms; or~~

~~(b) The fur color can be distinguished from wild mink;~~

~~(10) Domestic swine, except free-roaming or feral wild boars or wild swine;~~

~~(11) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);~~

~~(12) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry Association and the U.S. Department of Agriculture; but shall not include captive held or bred wild turkeys;~~

- ~~(13) Domestic yak (*Bos grunniens*);~~
 - ~~(14) Gerbils (*Meriones unguiculatus*);~~
 - ~~(15) Guinea fowl (*Numida megeagris*);~~
 - ~~(16) Guinea pigs (*Cavia porcellus*);~~
 - ~~(17) Hamsters (*Mesocricetus* spp.);~~
 - ~~(18) Indian Hill mynahs (*Gracula religiosa*);~~
 - ~~(19) Llama (*Lama glama*);~~
 - ~~(20) Parrots, lovebirds, cockatiels, budgerigar, parakeets (except monk parakeet (*M. monachus*),~~
~~macaws (family Psittacidae);~~
 - ~~(21) Peafowl (*Pavo cristatus*);~~
 - ~~(22) Pigeons (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;~~
 - ~~(23) Ratites, as defined by KRS 247.870; and~~
 - ~~(24) Toucans (family Rhamphastidae).~~
- ~~Section 7. Applying for Permits. (1) An application for a permit shall be made on the appropriate~~
~~form permits shall be made on standard forms].~~
- ~~(2) The applicant shall indicate the source of supply of the wildlife.~~
- ~~(3) After the permit is issued, the permit holder shall retain a bill of sale or other written proof to~~
~~show that the wildlife was obtained from a legal source.~~
- ~~(4) A permit holder shall show this written proof to a conservation officer upon request.~~
- ~~(5) An applicant shall possess an approved permit before transporting exotic wildlife into~~
~~Kentucky.~~
- ~~(6) A permit application may be denied if the permit holder has been convicted of a violation of:~~
- ~~(a) Any provision in this administrative regulation; or~~

~~(b) Another federal or state wildlife law regarding the holding or transportation of exotic wildlife.~~

~~(7) Failure to provide accurate, truthful and complete information on the application form shall result in:~~

~~(a) Immediate withdrawal or revocation of the permit; and~~

~~(b) Confiscation of the wildlife imported under the permit.~~

~~(8) An applicant shall be responsible for knowing and following local ordinances and rules regarding the wildlife to be held in a locality.~~

~~Section 8. Endangered Species. A permit may be issued for the transportation or possession of federally endangered or threatened species if:~~

~~(1) It is not listed in Section 3 of this administrative regulation; and~~

~~(2) Proof of lawful possession and acquisition is provided.~~

~~Section 9. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a conservation officer to inspect the holding facilities at any reasonable time.~~

~~(2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any provision of this administrative regulation.~~

~~Section 10. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild.~~

~~Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:~~

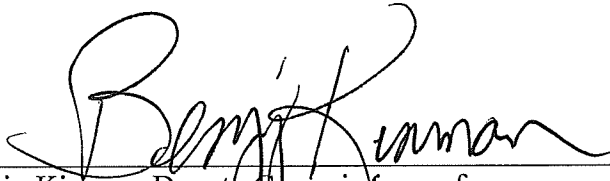
~~(a) "Annual Transportation Permit Application, June 2008 edition"; and~~

~~(b) "Individual Transportation Permit Application, June 2008 edition."~~

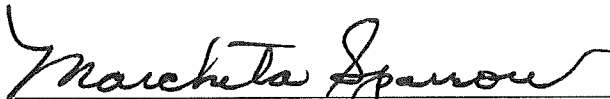
~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort,~~

1 ~~Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

Approved by the Fish and Wildlife Commission August 13, 2010.



Benjy Kinman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources



Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet

09-14-10

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 27, 2010, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by November 1, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-7109, Extension 4507
FAX (502) 564-9136

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:082. Transportation and holding of exotic wildlife
Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes restrictions on the possession and transportation of exotic wildlife.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to control the indiscriminate possession and commercialization of wildlife, protect the public and native wildlife from wildlife-borne diseases, and to prevent the introduction of wildlife that might be detrimental to native fauna and flora.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180 requires any person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations to establish the procedures for propagation and holding of protected wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will fulfill the purposes of KRS 150.025, 150.180, and 150.280 by defining the permits and procedures that are required for transportation and holding of exotic wildlife.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will allow state and county fairs and lawfully operated circuses to import inherently dangerous exotic species and provides for an exemption system allowing contact with the public if operators receive approval from the local or municipal government. In particular, this amendment will allow such things as elephant rides by state and county fair attendees. The amendment will also dictate permit issuance procedures.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure conformity with statutory compliance governing inherently dangerous wildlife and to reasonably accommodate public safety and welfare.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who transport or possess species listed as prohibited exotic wildlife will be affected by this amendment. There were approximately 107 transportation permits issued to individuals during 2009.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Individuals who import exotic dangerous wildlife and intend to allow the public to have direct contact with the animals during special events shall submit to the department a "County Authorization of Intent to Exhibit Inherently Dangerous Wildlife" for each shipment of wildlife into Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to individuals who transport or possess exotic wildlife.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): State and county fairs and circuses will benefit from this amendment by being able to allow patrons to have direct contact with certain animals for activities such as elephant rides.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation change will result in no initial change in cost to the Kentucky Department of Fish and Wildlife Resources to administer.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not applied because all individuals who transport or possess exotic wildlife are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:082

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No _____

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025 authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180 requires a person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

ANNUAL TRANSPORTATION PERMIT APPLICATION

Application fee: \$250.00

Permit requested by:

FEIN or Social Security Number (**REQUIRED**) _____

Name (REQUIRED) _____

Business Name (if applicable) _____

Address _____

City, State, Zip _____

Phone (____) _____

Email _____

To be transported **TO** (if different from above)

Name _____

Business Name (if applicable) _____

Address _____

City, State, Zip _____

Wildlife to be imported (This section must be filled out in its entirety) – SEE NOTE BELOW.

[illegible]

It is understood that any permit issued is void if the transaction involves any violation of the laws or regulations of Kentucky. This permit is invalid unless accompanied by a Certificate of Veterinary Inspection from an accredited veterinarian indicating that the wildlife being transported under this permit are free of disease (except reptiles and amphibians). I further understand that I am responsible for following local ordinances and rules regarding the wildlife to be held in a locality. I will obtain any local permissions required.

NOTE – Pursuant to 301 KAR 2:081 and 2:082, I understand that I must notify the Kentucky Department of Fish and Wildlife Resources of any amendments to the original application at least forty-eight (48) hours prior to any wildlife shipment by calling the department telephone number at 800-858-1549, Monday through Friday between 8:00 am and 4:30 pm.

Applicant(s) shall indemnify and hold harmless KDFWR and all of its officers, agents, and employees from all suits, actions or claims of any character because of any injuries or damages received by any person, persons, or property resulting from the exhibition of inherently dangerous wildlife based upon this authorization, to the extent allowed by Kentucky law. No part of this agreement shall constitute, either directly or indirectly, a waiver of sovereign immunity granted under the Kentucky Constitution, Section 231, and the United States Constitution, Eleventh Amendment.

Correct payment must accompany application. Receipt and cashing of payment does not imply approval of permit request.

I certify that I have read and understand the above, 301 KAR 2:081 and/or 301 KAR 2:082, and that all information contained in this application is correct. I further certify that within the last year I have not been convicted of a violation of 301 KAR 2:081 and/or 301 KAR 2:082.

Signature of Applicant

Date _____

***Mail completed application and check or money order to: The Kentucky Department of Fish & Wildlife Resources, #1 Sportsman's Lane, Frankfort, KY 40601 ATTN: Transportation Permit**

INDIVIDUAL TRANSPORTATION PERMIT APPLICATION

Application fee: \$25.00 per shipment

Prior to entry into Kentucky, a Transportation Permit must be obtained for each shipment of wildlife. **Application must be made by** persons who import wildlife into Kentucky; or transport wildlife into and through the state to a destination outside Kentucky.

Revised 9/13/10

Office Use Only

Reviewed by _____

Date _____

Permit requested by:

FEIN or Social Security Number (**REQUIRED**) _____

Name (**REQUIRED**) _____

Business Name (if applicable) _____

Address _____

City, State, Zip _____

Phone (____) _____

Email _____

To be obtained **FROM** (if different from above)

Name _____

Address _____

City, State, Zip _____

To be transported **TO** (if different from above)

Name _____

Business Name (if applicable) _____

Address _____

City, State, Zip _____

To be transported into KY on Month _____ Day _____ Year _____

Leaving Kentucky on Month _____ Day _____ Year _____

Wildlife to be imported (This section must be filled out in its entirety).

Common Name	Genus	Species	Number

It is understood that any permit issued is void if the transaction involves any violation of the laws or regulations of Kentucky. This permit is invalid unless accompanied by a Certificate of Veterinary Inspection from an accredited veterinarian indicating that the wildlife being transported under this permit are free of disease (except reptiles and amphibians). I further understand that I am responsible for following local ordinances and rules regarding the wildlife to be held in a locality. I will obtain any local permissions required.

Applicant(s) shall indemnify and hold harmless KDFWR and all of its officers, agents, and employees from all suits, actions or claims of any character because of any injuries or damages received by any person, persons, or property resulting from the exhibition of inherently dangerous wildlife based upon this authorization, to the extent allowed by Kentucky law. No part of this agreement shall constitute, either directly or indirectly, a waiver of sovereign immunity granted under the Kentucky Constitution, Section 231, and the United States Constitution, Eleventh Amendment.

Correct payment must accompany application. Receipt and cashing of payment does not imply approval of permit request.

I certify that I have read and understand the above, 301 KAR 2:081 and/or 301 KAR 2:082, and that all information contained in this application is correct. I further certify that within the last year I have not been convicted of a violation of 301 KAR 2:081 and/or 301 KAR 2:082.

Signature of Applicant

Date

*Mail completed application and check or money order to: The Kentucky Department of Fish & Wildlife Resources, #1 Sportsman's Lane, Frankfort, KY 40601 ATTN: Transportation Permit

Revised 9/14/10



Local Government Authorization of Intent to Exhibit Inherently Dangerous Wildlife

Pursuant to KRS 65.877, a county, city, urban-county, or charter county government may regulate or prohibit the holding of wildlife that have been identified by the Department of Fish and Wildlife Resources as inherently dangerous to human health and safety.

In accordance with 301 KAR 2:082, inherently dangerous wildlife legally imported into Kentucky shall be maintained within an enclosure sufficient to prevent escape and direct contact with the public, unless the applicant:

- Submits a completed copy of this authorization to the Kentucky Department of Fish and Wildlife Resources (KDFWR); and
- The inherently dangerous wildlife is kept within the designated county listed on this form during the allotted time period.

Authorization requested by:

FEIN# or SSN# _____

Name of Applicant _____

Business Name (if applicable) _____

Address _____

City, State, Zip _____

Phone _____

Email Address _____

Wildlife to be transported to:

Location or event name _____

Address _____

City, State, Zip _____

County _____

Dates of transport and exhibition (M/D/Y): _____ to _____

Wildlife to be exhibited (species and number of individuals):

Proposed activities involving direct contact between the public and inherently dangerous wildlife:

I understand that this authorization is void if the transportation and exhibition of wildlife involves any violation of the laws or regulations of Kentucky. This authorization is invalid unless a completed copy has been submitted to the KDFWR and is accompanied by a valid transportation permit issued by the KDFWR. I understand that I am responsible for following local ordinances and rules regarding the wildlife to be held in a locality. I will obtain any local permissions required.

Applicant(s) shall indemnify and hold harmless KDFWR and all of its officers, agents, and employees from all suits, actions or claims of any character because of any injuries or damages received by any person, persons, or property resulting from the exhibition of inherently dangerous wildlife based upon this authorization, to the extent allowed by Kentucky law. No part of this agreement shall constitute, either directly or indirectly, a waiver of sovereign immunity granted under the Kentucky Constitution, Section 231, and the United States Constitution, Eleventh Amendment.

I understand the KDFWR has identified the species listed on this authorization as inherently dangerous to human health and safety.

Signature of Applicant

Date

Authorizing agent(s) shall indemnify and hold harmless KDFWR and all of its officers, agents, and employees from all suits, actions or claims of any character because of any injuries or damages received by any person, persons, or property resulting from the exhibition of inherently dangerous wildlife based upon this authorization, to the extent allowed by Kentucky law. No part of this agreement shall constitute, either directly or indirectly, a waiver of sovereign immunity granted under the Kentucky Constitution, Section 231, and the United States Constitution, Eleventh Amendment.

I understand the KDFWR has identified the species listed on this authorization as inherently dangerous to human health and safety.

I have read, fully understand, and agree to all the provisions of this authorization, and I have voluntarily and knowingly executed said authorization.

County, Urban-County, or Charter County Authorization

Signature of Authorizing Agent

Date

Title / Agency

Contact #

City Authorization (if applicable)

Signature of Authorizing Agent

Date

Title / Agency

Contact #

*Submit a copy of this completed form to: The Kentucky Department of Fish & Wildlife Resources, #1 Sportsman's Lane, Frankfort, KY 40601 ATTN: Transportation Permit